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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/694,908

10/29/2003

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Q78087

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23373 7590 05/16/2008  
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EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

05/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/694,908	<b>Applicant(s)</b> ORLAMUNDER ET AL.	
	<b>Examiner</b> MD S. ELAHEE	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/29/2003</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on October 29, 2003 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: regarding claim 1, the phrase “subscribers” in line 11 should apparently be “subscriber”. Appropriate correction is required.

### ***Drawings***

3. The drawings 1 and 2 are objected to under 37 CFR 1.83(a) because they fail to show a legend describing the labels on the Figures as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the

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remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 7 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Wiener et al. (U.S. Patent No. 6,324,264).

Regarding claims 1, 2 and 10, with respect to Figures 1-4, 7-9, Wiener teaches a method for establishing a communication connection between a calling subscriber terminal and a called subscriber terminal connected to a communication network, the method comprising the steps of:

entering, at the calling subscriber terminal, a first request to access the called subscriber terminal (col.5, lines 3-17);

Wiener further teaches transferring an identification of a called subscriber to a mediation function element (col.5, lines 13-37);

Wiener further teaches transmitting said identification of the called subscriber from the mediation function element to an address translation server (col.5, lines 13-47);

Wiener further teaches transmitting a circuit switched network address of a terminal of the called subscribers from the address translation server to the mediation function element (col.5, lines 18-47); and

Wiener further teaches initiating a call establishment by passing said address from the mediation function element to a call handling function of the communication network (col.5, lines 18-47).

Regarding claim 3, Wiener, as applied to claim 2, teaches that the mediation function element is adapted for receiving from the address translation server a list of associated service identifications returned from the address translation server on the transmission of the identification (col.5, lines 13-47);

receiving a selection command from the second function element selecting one of the service identifications (col.5, lines 13-37); and

sending a corresponding selection command to the address translation server which returns the circuit switched network address of the called subscriber terminal (col.5, lines 13-47).

Regarding claim 4, Wiener, as applied to claim 2, teaches that the first function element is adapted for controlling circuit switch based services, the second function element is adapted for controlling IP based services and the mediation function element is adapted for mediating between IP based services and circuit switch based services (fig.1; col.5, lines 13-47).

Regarding claim 5, Wiener, as applied to claim 2, teaches that the second function element containing a function platform and one or several service applications interacting with the function platform via a first common API and that the mediation function element is adapted to interact via the first common API with the function platform and via a second API with the first function element (fig.1, 5; col.5, lines 13-47).

Regarding claim 7, Wiener, as applied to claim 5, teaches the function platform comprising a browser providing a graphical user interface (fig.1, 5; col.5, lines 3-20).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiener et al. in view of Montz et al. (U.S. Pub. No. 2003/0235163).

Regarding claim 6, Wiener, as applied to claim 5, teaches the function platform comprising means for providing a packet based data transfer service (page 3, paragraph 0025).

However, Wiener does not specifically teach a GPRS service. Montz a GPRS service (page 2, paragraph 0018). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wiener to incorporate a GPRS service in Wiener's invention as taught by Montz. The motivation for the modification is to do so in order to provide GPRS service such that routing of packets can be done in a wireless telecommunications network so as to minimize delay and simplify packet routing.

Regarding claim 8, Wiener, as applied to claim 2, does not specifically teach that the terminal is a mobile phone terminal. Montz that the terminal is a mobile phone terminal (page 2, paragraph 0018). Thus, it would have been obvious to one of ordinary skill in the art at the time

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the invention was made to modify Wiener to incorporate the terminal as a mobile phone terminal in Wiener's invention as taught by Montz. The motivation for the modification is to do so in order to provide a communication using a mobile phone such that the communication can be done at a minimum delay.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiener et al. in view of Miyashita et al. (U.S. Patent No. 6,289,085).

Regarding claim 9, Wiener, as applied to claim 2, does not specifically teach that the terminal is an ISDN terminal. Miyashita teaches that the terminal is an ISDN terminal (fig.5; col.16, lines 4-11). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wiener to incorporate the terminal as an ISDN terminal in Wiener's invention as taught by Miyashita. The motivation for the modification is to do so in order to use an ISN terminal such that a set-up of call transfer among multiple channels can be possible in the terminal.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MD S. ELAHEE whose telephone number is (571)272-7536. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MD S ELAHEE/

MD SHAFIUL ALAM ELAHEE

Examiner

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May 17, 2008